(43)

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 2614 of 2007

Petitioner — Bisheswar Nayak, S/o Late K.P. Nayak, Aged about 47 years, R/o Pairy Colony, P.O. Gariawan, Raipur, Dist. C.G. State.

Versus

Respondents

1. State of Chhattisgarh, Through: Secretary, Water Resources Department, DKS Bhawan, Raipur, Dist. C.G. State.
2. Chief Engineer, Water Resources Department, Mahanadi Godavari Basin, Civil Lines, Raipur CG State

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice Satish K. Agnihotri

Present :- Mr. K.R. Nair, Advocate for the petitioner.
Mr. Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER
(Passed on this 30th day of April, 2007)

1. The petitioner was appointed as Lower Division Clerk in the Office of the Chief Engineer, Water Resources Department, Mahanadi Godavari Basin, Irrigation Division, Raipur vide order dated 29.3.1990 (Annexure P/1), wherein it was clearly provided that the candidate was required to pass Hindi Typing Test within a period of one year, failing which the candidate would not be entitled to grant of any increment or regularization. The petitioner could not pass Hindi Typing Test for ten years. Thereafter, the State Government has considered the case of the petitioner and granted regularization w.e.f. 27.6.2006.

2. Learned counsel appearing for the respondents/State submits that the petitioner was granted regularization benefit, keeping in view his seniority for a period of 10 years, but the petitioner cannot claim any increment, as a matter of right, as the petitioner has failed to comply with the condition of the appointment order i.e. passing of Hindi Typing Test within a period of one year.

3. Learned counsel appearing for the petitioner, at this stage, after a period of almost 16 years questions the validity of the condition No. 8 of the appointment order. The petitioner has acquiesced to the terms of the appointment order and accepted the appointment order.

4. The petitioner has not made any complaints till he was granted regularization and increment. At this stage, after a period of 16 years, questioning one condition of the appointment order amounts to questioning the appointment order itself, as the appointment order was subject to fulfillment of the terms and conditions as prescribed therein. Thus, the petitioner has no right to claim increment with effect from the initial date of appointment.

5. In the facts and circumstances of the case, this petition has no merit and as such, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/-